

1 AN ACT in relation to public utilities.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Public Utilities Act is amended by
5 changing Section 13-502.5 as follows:

6 (220 ILCS 5/13-502.5)

7 (Section scheduled to be repealed on July 1, 2005)

8 Sec. 13-502.5. Services alleged to be improperly
9 classified.

10 (a) Any action or proceeding pending before the
11 Commission upon the effective date of this amendatory Act of
12 the 92nd General Assembly in which it is alleged that a
13 telecommunications carrier has improperly classified services
14 as competitive, other than a case pertaining to Section
15 13-506.1, shall be abated and shall not be maintained or
16 continued.

17 (b) All retail telecommunications services provided to
18 business end users by any telecommunications carrier subject,
19 as of May 1, 2001, to alternative regulation under an
20 alternative regulation plan pursuant to Section 13-506.1 of
21 this Act shall be classified as competitive as of the
22 effective date of this amendatory Act of the 92nd General
23 Assembly without further Commission review. Rates for retail
24 telecommunications services provided to business end users
25 with 4 or fewer access lines shall not exceed the rates the
26 carrier charged for those services on May 1, 2001. This
27 restriction upon the rates of retail telecommunications
28 services provided to business end users shall remain in force
29 and effect through July 1, 2005; provided, however, that
30 nothing in this Section shall be construed to prohibit
31 reduction of those rates. Rates for retail telecommunications

1 services provided to business end users with 5 or more access
2 lines shall not be subject to the restrictions set forth in
3 this subsection.

4 The Commission shall report to the General Assembly no
5 later than January 1, 2004 whether rates for retail
6 telecommunications services provided to business end users
7 with 4 or fewer access lines have declined or increased since
8 this Section was added by Public Act 92-22.

9 (c) All retail vertical services, as defined herein,
10 that are provided by a telecommunications carrier subject, as
11 of May 1, 2001, to alternative regulation under an
12 alternative regulation plan pursuant to Section 13-506.1 of
13 this Act shall be classified as competitive as of June 1,
14 2003 without further Commission review. Retail vertical
15 services shall include, for purposes of this Section,
16 services available on a subscriber's telephone line that the
17 subscriber pays for on a periodic or per use basis, but shall
18 not include caller identification and call waiting.

19 (d) Any action or proceeding before the Commission upon
20 the effective date of this amendatory Act of the 92nd General
21 Assembly, in which it is alleged that a telecommunications
22 carrier has improperly classified services as competitive,
23 other than a case pertaining to Section 13-506.1, shall be
24 abated and the services the classification of which is at
25 issue shall be deemed either competitive or noncompetitive as
26 set forth in this Section. Any telecommunications carrier
27 subject to an action or proceeding in which it is alleged
28 that the telecommunications carrier has improperly classified
29 services as competitive shall be deemed liable to refund, and
30 shall refund, the sum of \$90,000,000 to that class or those
31 classes of its customers that were alleged to have paid rates
32 in excess of noncompetitive rates as the result of the
33 alleged improper classification. The telecommunications
34 carrier shall make the refund no later than 120 days after

1 the effective date of this amendatory Act of the 92nd General
2 Assembly.

3 (e) Any telecommunications carrier subject to an action
4 or proceeding in which it is alleged that the
5 telecommunications carrier has improperly classified services
6 as competitive shall also pay the sum of \$15,000,000 to the
7 Digital Divide Elimination Fund established pursuant to
8 Section 5-20 of the Eliminate the Digital Divide Law, and
9 shall further pay the sum of \$15,000,000 to the Digital
10 Divide Elimination Infrastructure Fund established pursuant
11 to Section 13-301.3 of this Act. The telecommunications
12 carrier shall make each of these payments in 3 installments
13 of \$5,000,000, payable on July 1 of 2002, 2003, and 2004. The
14 telecommunications carrier shall have no further accounting
15 for these payments, which shall be used for the purposes
16 established in the Eliminate the Digital Divide Law.

17 (f) All other services shall be classified pursuant to
18 Section 13-502 of this Act.

19 (Source: P.A. 92-22, eff. 6-30-01.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.